

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

Taykwun Smoaks,

Defendant,

and

Fidelity Investments,

Garnishee.

Civil Action No.: 1:25-cv-446 (AMN/TWD)

**APPLICATION FOR WRIT OF
CONTINUING GARNISHMENT**

The United States of America applies, pursuant to 28 U.S.C. § 3205(b)(1), for a Writ of Continuing Garnishment upon the judgment entered against defendant Taykwun Smoaks, whose social security number is xxx-xx-1085. The last known address of the defendant is in Fort Dix, NJ.¹

Taykwun Smoaks pled guilty on August 16, 2024 to one count of Receipt of Child Pornography. *See* Criminal Action No. 1:24-cr-187, Judgment (ECF No. 53) dated January 23, 2025. The Court entered a judgment against Taykwun Smoaks and ordered restitution to be paid in the amount of \$45,000 and a \$100 special assessment. *See id.*

More than 30 days has passed since the United States demanded payment of this debt, yet the balance has not been paid. As of April 10, 2025, the defendant owes \$45,000 in restitution and the \$100 special assessment.

¹ Pursuant to Local Rule 5.2(a), the defendant's social security number has been redacted to the last four digits, and his current address has been redacted to the city and state. The government further notes that the defendant's last home address is in Troy, NY.

Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arose against all of Taykwun Smoaks's property and rights to property. To enforce the judgment, the United States requests that a Writ of Continuing Garnishment be issued for service upon Fidelity Investments, Attn: Legal Department, 82 Devonshire Street, Boston, MA 02109 (Garnishee). The United States believes the Garnishee has possession, custody, or control of substantial nonexempt property belonging to or due to Taykwun Smoaks, including nonexempt funds held in a Roth IRA and an Individual Brokerage account. No later than the time the post judgment remedy is put into effect, pursuant to 28 U.S.C. § 3202(c), the United States will serve Taykwun Smoaks, and each person whom the United States has reasonable cause to believe has an interest in the property subject to the attached Writ of Continuing Garnishment, which meets the requirements of 28 U.S.C. § 3205.

Dated: April 10, 2025

Respectfully submitted,

JOHN A. SARCONI III
United States Attorney

By: /s/ Melissa O. Rothbart
Melissa O. Rothbart (Bar No. 700723)
Assistant United States Attorney
United States Attorney's Office
Northern District of New York
100 South Clinton Street
Syracuse, New York 13261
Phone: (315) 448-0672
Email: Melissa.Rothbart@usdoj.gov

SO ORDERED:

Dated: April 11, 2025


UNITED STATES MAGISTRATE JUDGE